

**GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT**

Tribal Welfare-East Godavari District-Revision Petition filed Under Section 6 of Andhra Pradesh Scheduled Areas Land Transfer Regulation 1959, by Smt Koyya Ratnam W/o Late Nooka Raju R/o Komarajupeta(V) Gokavaram(M), East Godavari against the orders of the Additional Agent to Government Rampachodavaram in CMA No:31/2004 Dated:19.2.2005 – Dismissed-Orders-Issued.

---

**SOCIAL WELFARE (LTR) DEPARTMENT**

**G.O.Ms.No: 178**

Dated:2-09-2008

Read the following

1. From Sri.K.Satya Prasad, Council for the Petitioner Revision Petition dt:28.3.2004.
2. Government Memo No:3183/LTR-2/2005 dt:19.4.2005.
3. From Hon'ble High Court of Andhra Pradesh in W.P.No:7313/2005 dt:05.04.2005.
4. From the Collector, East Godavari F2/2419/2005 dt:9.5.2005.
5. Government Memo No:3183/LTR2/2005 dt:30.12.2005, 7.2.2006, 21.7.2006 and 21.8.2007.

\*\*\*

**ORDER:**

In the reference 1<sup>st</sup> read above Smt. Koyya Ratnam W/o Late Nooka Raju has filed a Revision Petition before the Government against the orders of the Additional Agent to Government in CMA No:31/2004 dt:19.2.05 in respect of lands admeasuring Acres 1.00 cents in RS No:12/2A situated in Bayyanapalli(V) of Gangavaram(M) of East Godavari District. The main grounds of the appellant in the Revision Petition among others are:

- i) The petitioner's husband got the Land in Sy.No.12/2A measuring Acres.1.00 under valid transfer before the 1/70 Regulation came into force from another non-tribal.
- ii) They are in possession and enjoyment before the 1/70 Regulation came into force.

**2.** The brief history of the case is that Sri Puttapalli Chittodu S/o Rama Swamy of Bayyanapalli (V), has filed a petition under Andhra Pradesh Scheduled Areas Land Transfer Regulation 1/1959 read with Land Transfer Regulation 1/1970 for restoration of Acres 3.06 in Sy.No:12/2A of Bayyanapalli (V). The Special Deputy Collector after perusal of the records held that : a) As per the settlement of 1 935, the land in S.No.12/2A of Acres 6.15 was registered in name of Tatapudi Venkata Subrahmanyam and Satyanarayana Murty of Patta No:14. As per the sale deed 2932/1957 Nagabathula Bala Kameswaramma w/o Subbarayudu sold land of Acres 2.06 out of total Acres 3.06 leaving the part of Acres. 1.00 of North West side, to Koyya Appanna S/o Appanna. The land is located within the boundaries of East – Cheerala Mrutyunjaya Deekshithulu, South – Avasarala Seetaramayya, West and North as Government Bodi (field Channel) and Markanda Nukayya. As per old Pattadar Pass Book, an extent of Acres 2.06 of S.No:12/2A was issued to Koyya Nukaraju S/o Appanna. Further part-3 of the Pass Book shows that an extent of Acres. 1.00 in S.No:12/2A was transferred to Koyya Nukaraju from Markonda Rama Krishna vide registered sale deed 2772/72 dt:5.8.1972 of Sub Registrar, Rajahmundry. The Pattadar Pass Book of Koyya Ratnam shows Acres 2.06 of S.No.12/2A. The tax receipts vary from 12.4.1971 onwards confirming the possession of Koyya Nookaraju on P.S. land. The Special Deputy Collector based on the above facts concluded that the unregistered sale deed of 1967 is a fabricated one made much later to the sale of 1972, to escape from sweep of Regulation 1/1970. Thus it is evident that Acres 2.06 was purchased on 6.5.1957 while Acres 1.00 was purchased on 5.8.1972. The purchase of 1972 tallies with version of the petitioner that Acres 1.00 was sold by Marikonda Surya Rao in 1978, the difference in years may be due to lack of recorded evidence by petitioner. The another charge of petitioner that Acres 1.00 was sold by Koyya Anjaneyulu to Nargana China Satyam gains support by deposition of Koyya

Ratnam that the balance land was not related to them. However this charge was not supported by any recorded evidence. Basing on evidence, the Special Deputy Collector established that the P.S. land of Acres.2.06 in possession of Koyya Ratnam was purchased in 1956 between two non-tribals and is held valid as per law. The balance Acres 1.00 was purchased in 1972 between two non-tribals and is held null and void under section 3(1)(a) of Regulation 1/1970 and that the non-tribal vendor is not entitled for restoration of P.S. land. The tribal petitioner could not establish claim on the P.S. land and hence his claim was rejected in LTRP No:111/2000 dt:07-10-2002. Finally, the Special Deputy Collector (TW), Rampachodavaram ordered ejection of non-tribal Koyya Nookaraju of P.S. land of Acres. 1.00 In possession of Koyya Venkayamma and for restoration of the same to the Government for onward distribution to eligible tribals in LTRP No:111/2000 dt:07-10-2002 and also held that as the petitioner is poor tribal, his case may be considered for assignment of P.S. land subject to his eligibility. The balance land of Acres 2.06 in possession of 3<sup>rd</sup> and 4th respondents is held to be continued with her only.

3. Aggrieved by the orders of the Special Deputy Collector (TW), Sri. Koyya Ratnam w/o Nukaraju filed an appeal before the Additional Agent to Government Rampachodavaram. The Additional Agent to Government after hearing both the sides and verifying the case records upheld the orders of the Special Deputy Collector (TW), Rampachodavaram in LTRP No:111/2000, dt:7/10/2002. Aggrieved by the orders of Additional Agent to Government, Smt. Koyya Ratnam w/o Late Nookaraju filed Revision Petition before the Government.

4. In the reference 2<sup>nd</sup> read above, the Agent to Government Rampachodavaram was requested to furnish Para-wise remarks and case records and the same were furnished in reference 4<sup>th</sup> read above. After examination the case records notices were issued to the concerned to attend the hearing of the Revision Petition on 28.1.06, 18.2.06, 11.8.06 and finally on 31.8.2007. Counsel for petitioner K.N.Rao on behalf of S.R.Sanku attended and argued Corroborating grounds of the Revision Petition.

5. Government after careful examination of the material evidence on record found that:

- i) Smt.Nagabathula Kameswaramma W/o Subbarayudu sold an extent of Acres 2.06 (out of total extent of Acres3.06) in Sy.No.12/2 situated in Bayyannapalli village of Gangavaram Mandal in East Godavari District, to Sri. Koyya Appanna i.e. father-in-law of the revision petitioner through registered sale deed No:2932/57, dt:31.5.1957.
- ii) As seen from the old pass book, an extent of Acres 1.00 in Sy.No12/2A was transferred to Koyya Nookaraju (i.e. son of Koyya Appanna and husband of revision petitioner) from Markonda Ramakrishna vide registered sale deed 2772/72, dt:5.8.1972 which is after regulation 1/70 came into force and hence hit by Andhra Pradesh Scheduled Areas Land Transfer Regulation 1/59 R/W 1/70.
- iii) The Registered Deed 2772/72, dt:4.8.1972 tallied with the boundaries with that of unregistered sale deed executed on 21.3.1967 but did not reveal any details about previous agreement entered into on 21.3.1967. Discrepancy of sale consideration is also noticed as Rs.400/- (in the sada deed) while Rs.2500/- (in the registration deed). It was clearly mentioned in the registered deed that the possession was handed over on 4.8.1972. Hence, the unregistered deed of 21.3.1967 was fabricated one to defeat Land Transfer Regulation .proceedings.
- iv) Moreover, the revision petitioner deposed before the lower court that she had no connection with the extent of Acres 1.00 situated in Sy.No.12/2A.

6. Government after careful examination of the case records finds no reason to interfere with the Orders of the Agent to Government, East Godavari District in CMA No:31/2004, dated:19.2.2005 and accordingly dismiss the Revision Petition. The stay granted by the Hon'ble High Court of A.P. in W.P No:7313/2005 dated:05-04-2005 shall become inoperative.

7. The Collector, East Godavari District / Additional Agent to Government, Rampachodavaram is requested to take necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**V. NAGI REDDY,  
Prl. SECRETARY TO GOVERNMENT**

To  
The Collector, East Godavari District (w.e).  
The Additional Agent to Government (PO),  
Rampachodavaram(M), East Godavari District.  
The Special Deputy Collector (TW), East Godavari District.  
The Special Deputy Tahasildar (TW), East Godavari District.  
The Mandal Revenue Officer (TW), East Godavari District.  
Smt. Koyya Ratnam W/o Late Nookaraju,  
Gangavaram(M), East Godavari District.  
Sri. S.R. Sanku, (Advocate), Plot No:3,  
HUDA Complex Park last lane, Saroor Nagar, Hyderabad.  
The P.S to M (TW & RAID).  
SF / SC

// FORWARDED BY ORDER//

SECTION OFFICER